

SUMMARY DESCRIPTION OF CHANGES TO MBTA GENERAL CONDITIONS AND DIVISION 1 SPECIFICATIONS

The primary focus of the update process was to reorganize the documents to create a clear, concise and user-friendly document.

In the General Conditions, the Table of Contents was updated with page numbers and the Headings and Subheadings were modified to align with the contents of the respective provisions. The content was updated to incorporate recent policy directives (Extended Overhead, Sworn Statement of Account) as well as recent modifications to the Change Order Manual and the Project Controls Manual in order to create consistency and alignment with MBTA business practices. The greatest effort was associated with regrouping and updating existing provisions. The more significant changes were related to: (1) revising the use of the term "Engineer" vs "Owner" or "Authority", (2) updating and reorganizing Article 5 with respect to changes, (3) adding a new "claim for delay damages" provision in Article 6.5, (4) eliminating the requirement that a contractor self-perform at least 50% of the work (if such a requirement is deemed appropriate for a specific project, it will be included in the Supplementary Conditions and (5) including a new dispute resolution provision in Article 10.

The General Conditions are intended to be the same for every MBTA construction project. Project specific items such as milestones, liquidated damages, insurance requirements, per diems, and limitations of operations shall be identified in the Supplementary Conditions.

The Division 1 Specs were updated to be consistent with the use of the term Engineer, Owner or Authority and to correct references to updated General Conditions.

The following is a summary description of changes in each Article of the General Conditions.

ARTICLE 1 - DEFINITIONS

A number of new definitions were added to Article 1 for terms being used in the document but not previously defined including Contract Milestone, Defective Work, Designer, Dispute, Final Acceptance, Shop Drawings and Submittals, Substantial Completion, and Work Directive.

Some defined terms were deleted from Article 1 because they are no longer being used as defined terms in the document including Alteration, Chairman of the Board of Directors of the Authority, Extra work order, Manager of Contract Administration, Non-system facilities," Program Management / Construction Management, Reference Utility Standards and Specifications.

Other definitions were revised to more accurately define how they are used in the document including: Change Order, Contract, Contract Documents, Contract Time, Engineer and Force Majeure".

Other definitions remained substantially unchanged.

ARTICLE 2 – CONTRACTOR’S RESPONSIBILITIES

In prior versions of the general conditions, there were a number of provisions related to the responsibilities of the contractor, but such provisions were located in various different articles in the document. Those similar provisions have now been reorganized and pulled together in a more logical manner.

ARTICLE 3 – CONTROL OF MATERIALS

Article 3 which consists of general conditions relating to materials is primarily old Article 4.

ARTICLE 4 – OWNER’S RIGHTS

Article 4 is a newly created section detailing many of the owner’s rights on the project. Most of these provisions were in Article 3 of the prior version.

ARTICLE 5 – CHANGES IN THE WORK

Article 5 which addresses all of the various forms of change orders on an MBTA project reorganized several change related provisions which had previously been scattered throughout various sections of the document. The two main objectives in this new Article 5 are to reorganize and place all of the change order related provisions in one concise Article and to clarify the notice and time requirements for submitting change orders.

ARTICLE 6 – TIME

Similar to Article 5, the time requirements were previously scattered in various locations of the old general conditions. There were three general objectives in this revised Article 6 including group all of the time related provisions in one location, clarify the definition of substantial and final completion and include a revised damages for delay damage provision (Article 6.5 “Claims For Delay Damages”).

ARTICLE 7 – INSURANCE AND INDEMNITY

The insurance and indemnity provisions are now grouped together in Article 7.

ARTICLE 8 – LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

Article 8 has the same title as old Article 5 and contains miscellaneous provisions relating to overall legal responsibilities and the contractor’s and owner’s responsibilities to the public.

ARTICLE 9 – TERMINATION AND SUPPLEMENTATION OF WORK

Termination and supplementation of work provisions were modified slightly and moved to their own separate article.

ARTICLE 10 – DISPUTE RESOLUTION

Article 10 is new. The MBTA had no dispute resolution provisions in the old general conditions.